

March 13, 1997

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
700 Central Building  
810 Third Avenue  
Seattle, Washington 98104

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Natural Resources,  
Water and Land Resources Division File No. **E96CT061**  
Proposed Ordinance No. **97-090**

Open Space Taxation (Public Benefit Rating System)  
Application of **MERRILL PAUL SCHOBY**

Location: 28115 SE 192nd Street, Issaquah

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY REPORT:

The Water and Land Resources Division Preliminary Report on Item No. E96CT061 was received by the Examiner on February 24, 1997.

PUBLIC HEARING:

After reviewing the Water and Land Resources Division's Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. E96CT061 was opened by the Examiner at 11:18 a.m., March 10, 1997, in Hearing Room No. 2, Department of Development and Environmental Services, 3600 - 136th Place SE, Bellevue, Washington, and closed at 11:25 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner: Merrill Paul Schoby  
28115 SE 192nd Street  
Issaquah, WA 98027

Location: 28115 SE 192nd Street, Issaquah

Priority Resources Requested:

High Priority Resources:

- Surface water quality buffer area
- Rural or low density open space close to urban or growth area
- Significant plant, wildlife, or salmonid habitat area

Medium Priority Resources:

- Special animal sites

Bonus Resources:

- Bonus surface water quality buffer area

Public Access:

- Limited public access due to resource sensitivity

Zoning: RA5P

Acreage:

Property Total: 12.57 acres  
 Subject to Application: 11.57 acres  
 Recommended: 11.48 acres

STR: SE-NW-06-22-07

2. Except as modified herein, the facts set forth in the Water and Land Resources Division's Preliminary Report to the King County Hearing Examiner for the March 10, 1997, public hearing are found to be correct and are incorporated herein by reference. Copies of the Division Report will be attached hereto for submittal to the King County Council.
3. A complete application for current use open space classification was received by the Water and Land Resources Division prior to December 31, 1997. Notice for the March 10, 1997, public hearing on the application was published February 12, 1997, in the Seattle Times. The staff recommends that the application be granted 25 points under the King County Public Benefit Rating System.

CONCLUSIONS:

1. The conclusions stated in the Water and Land Resources Division's Preliminary Report to the Hearing Examiner for the March 10, 1997, public hearing are found to be correct and are incorporated herein by reference.
2. A timely application has been filed and proper legal notice published with respect to the current

use assessment application.

3. The application concerns property which is open space land within the meaning of RCW 84.34.020.
4. The property is eligible for open space classification under the King County Public Benefit Rating System because it contains one or more priority open space resources. The conditions of approval recommended herein assure that the public benefits which provide the basis for reduction in tax assessment shall be maintained, preserved, conserved and continued for the economic and social well-being of King County and its citizens.
5. Based on the record, the application is entitled to a total public benefit rating of 25 points for 11.48 acres which results in a valuation of 20% of market value.

RECOMMENDATION:

APPROVE the request of MERRILL PAUL SCHOBY for current use taxation (open space classification) with a public benefit rating of 25 points subject to the conditions stated below:

1. Within 30 days of the date of approval this application by the Metropolitan King County Council the Applicants shall sign an agreement which accepts the conditions of approval and meets the requirements of WAC 458-30-240.
2. The remaining conditions of approval are those stated in the Water and Land Resources Division's Staff Report (Exhibit No. 4).
3. Future additional credit for the public lands and right-of-way buffers and limited public access categories is authorized for this application based on submittal of satisfactory documentation therefor to the Water and Land Resources Division Staff.

RECOMMENDED this 13th day of March, 1997.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 13th day of March, 1997, to the following parties and interested persons:

Merrill Paul Schoby

George Kritsonis, Tax Assessor's Office  
Kelly McFall, Water and Land Resources Division  
Anne McTavish, King County Council  
Ted Sullivan, Water and Land Resources Division  
Charlie Sundberg, Cultural Resources Division

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before March 27, 1997. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before April 3, 1997. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE MARCH 10, 1997 PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES  
FILE NO. E96CT061 - SCHOBY:

Stafford L. Smith was the Hearing Examiner in this matter. Ted Sullivan participated in the hearing.

The following exhibits were offered and entered into the record:

Exhibit No. 1	Not offered
Exhibit No. 2	Not offered
Exhibit No. 3	Not offered
Exhibit No. 4	Department of Natural Resources, Natural Resources Division Preliminary Report to the King County Hearing Examiner for the March 10, 1997 public hearing
Exhibit No. 5	Introductory Ordinance to Council
Exhibit No. 6	Affidavit of Publication
Exhibit No. 7	Legal Notice to Council
Exhibit No. 8	Notification to Applicant of Hearing
Exhibit No. 9	Application, signed/notarized
Exhibit No. 10	Legal Description
Exhibit No. 11	Assessor Map
Exhibit No. 12	King County Situs Report
Exhibit No. 13	King County Assessor's Database
Exhibit No. 14	Site Map
Exhibit No. 15	Arcview Map
Exhibit No. 16	Notice of Hearing, Office of the Hearing Examiner

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